THE RECORD
OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK

EDITORIAL BOARD

Harrison Tweed, *President* | Paul B. De Witt, *Executive Secretary* | Whitman Knapp, *Secretary*

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Association Activities

AT THE OCTOBER stated meeting of the Association, there will be initiated the practice of having the standing committees of the Association report to at least one meeting their programs and the progress they are making. These reports are designed to permit the members of the Association to keep in closer touch with the work of the committees. Heretofore the only opportunity a committee had to bring before the Association its full program was in its annual report published at the end of the year in the year book of the Association.

Under the new scheme, the committees have been divided into five groups; each group reporting at one of the regular meetings of the Association. It is contemplated that the reports will be very brief and informal but they will be of such a nature that the members of the Association will have an appreciation of the really remarkable extent and diversity of the work carried on during the year by committees.

The President, in his annual report, has pointed out the advantages of the new plan and also indicated that the time allotted to the reports would not be so great as to impede the prompt dispatch of business at the stated meetings which was promised last year.

The committees and the meetings at which they will report are as follows:

At the October meeting: Bankruptcy, City Courts, Foreign Law, International Law, Legal Education, Professional Ethics, Junior Bar.

At the December meeting: Administrative Law, Federal Legislation, Law Reform, Judicial Council, Taxation, Patents, Criminal Courts.

At the February meeting: Admiralty, Library, Domestic Relations, Copyright, Municipal Courts, Aeronautics, Unlawful Practice, Labor.

At the April meeting: Art, Arbitration, Bill of Rights, Legal Aid, Medical Jurisprudence, Superior Jurisdiction, Surrogates Courts, Trade-marks, Uniform State Laws.

At the May meeting: Admissions, Audit, House, Investment of Funds, Grievances, Entertainment, Increase of Membership, Insurance of Association Property, Post-admission Legal Education, Judiciary, State Legislation, Round-Table Conference, Finance.

IN JUNE, the Committee on Bankruptcy and Corporate Reorganizations, Alfred N. Heuston, chairman, released a report dealing with the principles involved in the Wheeler-Reed railroad reorganization bill. The Committee's report disapproved the enactment of such legislation. Just before the adjournment of the 79th Session, the bill was passed, but President Truman, by pocket veto, killed the legislation. The President stated as his reason for disapproval that he was afraid the measure would not accomplish its purpose and would not remedy the "improper control" of carriers following reorganization.

THE COMMITTEE on Courts of Superior Jurisdiction, of which Ralph D. Ray is chairman, has met with the Calendar Committee of the Supreme Court, First Judicial District, of which Mr. Justice Shientag is chairman, and expects to hold other such meetings with the committee of Justices during the year.

As a result of these meetings, the Committee has asked that the members of the Association call to its attention any matters regarding practice in the Court which it would be helpful to have discussed at the meetings of the Committee and the Justices. The Committee reports that, with the generous interest which the Justices have shown in the suggestions of the Committee, it is sure that any meritorious proposal for change or improvement will receive serious consideration.

TENTATIVE PLANS are being made by a joint committee of the Junior Bar Committee and the Committee on Criminal Courts to hold a conference dealing with problems of traffic law enforcement. Plans for the conference are being formulated with the cooperation and support of Chief Magistrate Bromberger and Police Commissioner Wallander.

In preparation for the conference, the Association has consulted with the Greater New York Safety Council and the Automotive Safety Foundation. In cooperation with the Safety Council and the Foundation, the Association is also sponsoring a study of existing traffic rules and regulations and a comparative study of those rules and regulations with the model traffic ordinance.

THE JUNE NUMBER of THE RECORD carried the report of the Committee on the Domestic Relations Court dealing with inadequate shelter facilities now available for the care of dependent, neglected and delinquent children.

The report was sent to responsible city and state officials and to community organizations directly interested in the problems of delinquency. The report was also noticed by the press with favorable editorial comment.

The Committee on the Domestic Relations Court will continue to press for the establishment of temporary shelter facilities operated by the city while the state is expanding its long-term institutional facilities. The need for the adoption of this program seems to be urgent as the Committee is advised that there are as

many as 500 cases daily in need of proper placement in the city for whom placement facilities are now not available.

DURING THE SUMMER, the Arbitration Committee's revised edition of "An Outline of Arbitration Procedure" was distributed to the members of the Association.

The first edition of this pamphlet had a most favorable reception among lawyers interested in arbitration, law schools and trade associations.

IT WILL BE RECALLED that at the stated meeting of April 9, 1946 the Association adopted a resolution offered by the Committee on International Law urging the Congress to accept as compulsory in relation to any other state accepting the same obligation, the jurisdiction of the International Court of Justices in the categories of legal disputes set forth in Article 36 (2) of the Statute governing the Court which is an integral part of the Charter of the United Nations.

In the closing days of the 79th Session of Congress the Senate voted to accept the compulsory jurisdiction of the Court by adopting a resolution introduced by Senator Wayne Morse. The resolution by Senator Morse was modified by a reservation proposed by Senators Connally and Vandenberg. By this amendment, the United States reserves the right to decide whether a given dispute involves domestic issues, and, if so, to deny the Court's jurisdiction.

The amendment was adopted although the Senate's Foreign Relations Committee had reported that such a reservation "would tend to defeat" the whole purpose of the resolution. It was pointed out that the amendment would permit the United States to withhold any case from adjudication on the plea that it is a matter of domestic jurisdiction.

The vote on the resolution was 60-2. The vote on the amendment was 51-12.

FOR THE INFORMATION of the readers of THE RECORD, the American Bar Association will hold its annual meeting this year at

Atlantic City October 28-November 1. Hotel reservations should be made through the headquarters office of the American Bar Association, 1140 North Dearborn Street, Chicago, Illinois.

The Association's representative in the House of Delegates this year will be Franklin E. Parker, Jr., Chairman of the Executive Committee.

PARTICULAR ATTENTION is directed to the article by Edwin A. Falk in this number of THE RECORD. Mr. Falk argues for a number of proposals which in effect would cure certain defects now existing in the basic law governing the Federal judiciary and particularly the Supreme Court of the United States. Bar associations throughout the country are considering the problems which Mr. Falk points out and the Executive Committee of this Association has authorized a Special Committee on the Federal Judiciary to make a complete study of needed legislation in the field. The action of the Executive Committee is in line with the action taken by the House of Delegates of the American Bar Association in establishing a committee charged with similar duties.

DURING THE SUMMER, distribution of the comprehensive report by the Committee on Taxation dealing with proposed amendments to the Federal income, estate and gift tax laws was made to members of the Treasury staff, Congressional leaders, particularly interested in taxation, editors of the more important law reviews and to teachers of taxation in approved law schools. The response to the distribution has been most gratifying. It is planned by the Committee on Taxation to follow up this favorable reaction by pressing for legislation that will effect the changes in the tax laws recommended.

DEAN HANS SIMONS of the School of Politics of The New School has asked that the attention of the membership be directed to a series of seven lectures to be given by Judge Jerome Frank of the United States Circuit Court of Appeals. The series will begin on October 14 and will continue on the second Monday of each

month. The charge for the course is $7.00, single admissions, $1.80. The schedule of lectures is as follows:

Oct. 14 *The needless mystery of courthouse government.* The function of courts; the ambiguity of the word "law"; law suits as fights; "legal rights" as wagers; what clients want; the lawyer as psychiatrist.

Nov. 11 *Holiday.*

Dec. 9 *The "facts" of a case.* The history of "fact-finding"; its relation to magic; its crucial importance; the trial judge as historian; perjury and prejudice; the defects of legal education; Cardozo's fallacy; judicial investigation; American and European practices compared.

Jan. 13 *The jury system.* How it works; its relation to civil liberties; its inconsistency with the "rule of law"; suggestions for improving it; the question of abolishing it.

Feb. 10 *Are judges human?* The effect of the personalities of judges; judicial fungibility; the need to recognize the personal element; the meaning of a "government of laws"; the anti-democratic cult of the robe; the literary style of judges.

Mar. 10 *Statutes and precedents.* How statutes are interpreted; judicial "law making"; codification; the uses of precedents; legal semantics and fictions; the "sources" of "law."

Apr. 14 *"Natural law."* The history of the phrase; its status today; "lawlessness"; legal theory and the "practical" lawyer; ideals and public policy in courthouse government.

May 12 *Supreme Court mythology.* Mistaken current criticisms of the United States Supreme Court in the light of its history.

THE PLACEMENT OFFICE of The War Committee of The Bar of The City of New York was opened in October of 1944. Since the time of its inception until the present date 2351 lawyers,

qualified for service, have sought assistance. These men have all been interviewed, counselled, and at some time or another been referred to one or more available positions. As a result 405 have been directly placed and 1188 have received substantial assistance in obtaining positions.

However, remaining in the active file are 456 men who are still without employment of any kind. These men are the acute problem of the Placement Office at this time. It is the sincere hope and desire of the Committee to be able to successfully place all of these men before it completes its activities.

The Committee believes that if it can continue the Placement Office until December 31, 1946, it will have accomplished substantially its purpose. For this about $3000 of additional funds are required. Checks may be sent to William M. Wherry, Esq., Treasurer, 30 Broad Street, New York, New York. Financial assistance alone, however, will not do the job. This can be accomplished only if each and every member of the Bar will sincerely try to find at least one opening for these still unemployed lawyer veterans.

AT THE stated meeting on October 15 Bethuel M. Webster, chairman of the Committee on the Judiciary, will report on candidates for election to judicial office. It is contemplated that the Committee's report will be circulated to the membership before the meeting. At the same time the Committee on the Municipal Court, Mr. Edgar M. Souza, chairman, will report on candidates for the Municipal Court.

ON OCTOBER 8 and 9 a conference of representatives of bar associations of various countries will be held at the House of the Association. The meeting is being called by the American Bar Association. Invitations have been sent to fifty-two bar associations of as many countries. Virtually all the major nations and

many smaller ones will be represented. Arrangements for entertaining the delegates are under the direction of the Association's Committee on International Law, John E. Lockwood, chairman.

It is not by the cases which catch the popular fancy that a valuation of our judicial and administrative work can be made. Of far greater interest and importance to the average citizen is what happens to his claim or his defense before the magistrate, trial court or administrator. At these points does the law come intimately into contact with the individual. It is here that day by day the average man's sense of justice will be outraged or satisfied. It is here that delay, technicalities, ineptitude and prejudice will take their greatest toll in confidence.

—*William O. Douglas*

The Calendar of the Association for October

(as of September 30, 1946)

October 1	Dinner Meeting of the Committee on Law Reform
	Meeting of the Committee of the Municipal Court of the City of New York
October 2	Dinner Meeting of the Executive Committee
October 3	Meeting of the Committee on Real Property Law
October 7	Meeting of the Committee on Uniform State Laws
	Dinner Meeting of the Committee on Professional Ethics
	Meeting of the Committee on International Law
October 9	Meeting of the Committee on Legal Education
October 10	Meeting of the Committee on Copyright
	Dinner Meeting of the Committee on Courts of Superior Jurisdiction
October 15	Stated Meeting of the Association 8 P. M.
	Interim reports will be received from the Committees on Bankruptcy, City Court, Foreign Law, International Law, Legal Education, Professional Ethics, and Junior Bar
October 16	Meeting of the Committee on Admissions
October 28	Meeting of the Library Committee
	Round-Table Conference preceded by dinner of the Special Committee on Round-Table Conferences

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1946–1947

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In Time of Peace Prepare for War

By Edwin A. Falk

To Locke's "Wherever law ends, tyranny begins" there always should be added the truism that wherever courts suffer an invasion of their independence, law ends.

Long before the tragic demonstrations by contemporaneous dictators making a mockery of constitutional rights, we lawyers had been indoctrinated with the concept that written compacts and charters can be no more effective as guarantors of liberty than the vitality given to them by uncontrolled judicial construction and enforcement.

While lawyers will rally to the defense of the judiciary whenever it is subjected to an open assault, little attention is devoted by us to a prevention of future attacks, especially upon new fronts.

In 1937 the bar as a whole was shocked into vigorous action by the attack upon the Supreme Court from without, at a point always known to be constitutionally vulnerable. This year the bar has been moved to criticism by the self-exposure of corrosive tendencies within the Court.

Lawyers properly are deeply involved in public affairs and many of them have political affiliations that, in periods of excited controversy, are not conducive to objective thinking. If as a profession we are to implement by practical action the generalizations of our orators, we must do so during the interludes of relative serenity. That is required by the theory, the spirit and the common sense of constitutional self-government, which is a device to protect human nature against its own lapses. Like Wordsworth's warrior, each good servant of a democracy

> "... through the heat of conflict, keeps the law
> In calmness made, and sees what he foresaw,"

Editor's note: Mr. Edwin A. Falk is a member of the Association and has served on a number of its committees. He is a graduate of the law school of Columbia University and the author of articles in various legal publications, as well as two biographies.

and the genius of the American system is in empowering independent courts to make the legislative and executive branches do so whenever, in the heat of conflict, they forget the principles that they had cherished and the determinations that they had reached in calmness.

The present imbroglio on the judicial heights of Washington is more an exhibition of the antics of some judges with their gowns off than a crisis of the 1937 intensity. Instead of fretting about the particular indignities and the shortcomings of behavior and system as they present themselves, it would be well for bar associations here and now to marshal their thinking behind the basic American institution of an untrammeled judiciary without which no constitutional government can exist. The need of the defense is less for tinkering tacticians than for strategists with the broadest perspective.

The smoke has cleared long ago from the field of the 1937 battle but there must be expected a renewal, sooner or later, of the intermittent campaign against judicial independence. The slim margin by which this most recent major assault was repelled should serve as a warning that the defenses require reenforcement.

If those who realize that judicial review is not only "America's unique contribution to the science of politics" but also "the capstone feature of the entire [American constitutional] system," *whose untrammeled and uninfluenced exercise is essential to the preservation of that system*, again defer their support until the next hostile blow is struck, it may be too late. The 1937 packing plan, crudely disguised as a dotage-removal device, was frustrated only because it became evident during the controversy that the normal processes of time soon would accomplish the desired result by reason of deaths and retirements.

The omission of the Constitution to fix the size of the Supreme Court is by no means the only loophole through which a hostile executive-legislative thrust might have been made. It is merely one of the most obvious.

The time is not inopportune to seek popular approval and to avoid passionate opposition by political factions interested in curbing the judiciary.

The so-called conservatives can be counted upon for support because they are the ones who man the ramparts whenever danger threatens the constitutional system; and, it should be added, even upon occasions when their anxieties conjure up dangers that exist only in their imaginations. By evincing a continued readiness to protect the Supreme Court even as presently constituted, those who in 1937 professed concern about enduring principles rather than the immediate program, will have an opportunity to prove their good faith and intellectual honesty.

On the other hand, a plan to stiffen the Supreme Court's armor should enlist equal support from the factions that delivered the 1937 assault. They were guided on that occasion partly by expediency or fancied expediency and, to the extent that similar considerations influence them now, they presumably would be eager to forestall a possible counterattack against the new bench whose current decisions are making drastic changes in fundamental American law along the lines favored by these groups. The "nine old men" having been replaced by new appointees, those who were eager to bring about this result naturally would be expected to favor measures that would prevent a political reversal in the White House and Congress from involving also an accelerated change in the complexion of the Supreme Court even though some of the present incumbents have performed in office not in accordance with plan. Deaths and retirements having accomplished what the attempt at packing sought to achieve, those who for reasons of political expediency threatened the integrity of the institution in 1937 should be its staunchest defenders now if guided by the same considerations.

Furthermore, the support of the sponsors of the 1937 plan should be enlisted by a non-partisan acknowledgement of the degree of merit that their plan possessed, even though packing was its immediate objective. The circumstance that a new adminis-

tration elected by a decisive endorsement at the polls of a new political program had no opportunity to gain a voice inside the Supreme Court conference room during the full four years of President Roosevelt's first term disclosed a defect in the system of appointment. National welfare suggests that every administration have at least one or two appointments, even though, in some cases, there be no new political viewpoint. When the World Court was being organized, the first impulse of the international lawyers formulating the plan was to stipulate that any justice whose nation was a party to a controversy should not sit in that case but a distinguished member of this Association, Elihu Root, with characteristic wisdom, prevailed upon his collaborators to provide the exact opposite: that if any party to a controversy was not already represented upon the bench, it should appoint one of its citizens for that case, in order that any peculiarly characteristic national caste of thought should not be denied participation in the judicial process by which the matter at issue would be decided. A fixed rotation in office, such as prevails in the Senate, might, by reason of deaths and retirements, result in too rapid a change of membership, even if the term were made relatively long; there might be lost needlessly the great advantages of experience and continuity to a deliberative body of this kind whose specialized scholarship and familiarity with the technical background are essential.

If the project of plugging these loopholes can be politically non-partisan in spirit, as it is in purpose, and can be kept dissociated from the 1937 controversy and its aftermath, whose wounds have not entirely healed, there should be no serious opposition in principle. The qualification "in principle" is necessary because even among those eager to see the independence and powers of the judiciary remain unimpaired, there necessarily will be some who will differ as to the method and extent of the protective measures.

A member of the present Supreme Court bench privately has expressed the opinion that at almost all costs that institution

should "be kept out of the news." It is his view, and one widely shared, that the Supreme Court's sole protection lies in the faith of the people, which this jurist fears would be impaired by any public discussion. If there is wisdom in this anxiety, the present time should be relatively opportune for an effort to fortify the independence of that Court because it has been dragged down into the arena of common gossip and can suffer no further injury to its prestige by a serious campaign of education to restore its detachment from the other branches of the government.

There also will be some who will consider it dangerous not to let a sleeping dog lie. They will argue that the Supreme Court can be safeguarded only by an awakened public opinion, which has preserved it so far, and that, were this fundamental bulwark ever removed, mere words on a piece of paper, even in the form of a constitutional amendment, would be of no protective efficacy.

The answer to this contention is twofold. First, while it is true, of course, that a revolutionary tide of overwhelming physical force can destroy any human institution, it is also true that, short of such an upheaval, organized society governs itself by law. It is significant that all dangerous assaults upon the American judiciary so far have been made without open defiance of constitutional forms, and the sole purpose of the present project should be and can only be to prevent future assaults of this nature.

Secondly, it must be remembered that the question of whether the American system was to be established and maintained by popular pleasure, subject, as for example is the British system, to unlimited change or abandonment, or whether it was to be established and maintained by what Hamilton called a "limited constitution," amendable only in the manner stipulated in the instrument, was decided when the Constitution was adopted and must be deemed settled until the fundamental principle of a limited constitution is abolished.

The fact that a dictator would not hesitate to overturn an established institution based upon written law as readily as if it were based merely upon tradition and public opinion does not lead to

the conclusion that the strength or weakness of the foundation is unimportant. To advance such a contention would be like arguing that it is not worthwhile fortifying a structure to withstand ordinary seismic tremors unless it also would be able to withstand a major earthquake.

The purpose of plugging the loopholes in the Constitution's protection for the Supreme Court is to prevent, as far as possible and practicable, having a due regard for all of the circumstances, a hostile, unprincipled or shortsighted Executive and Congress from freeing themselves, within constitutional processes, from judicial review by controlling the personnel or powers of the Supreme Court and thereby rendering it inoperative as a truly coordinate branch of government. Such preventive measures are worth-while even though it is realized that to plug holes in the dike will not fend off a tidal wave that some day might sweep over the top.

In seeking to thwart the restraints of an independent judiciary, presidents and legislators have tried to penetrate many constitutional loopholes and there exist many others in danger of the discovery by hostile ingenuity and audacity. These loopholes expose the Court to possible interference of three general kinds: withholding certain justiciable questions from the Court, controlling decisions of the Court, and nullifying the decrees of the Court.

The remedy is a constitutional amendment that will plug the loopholes. Its scope and phraseology should be given the most expert and earnest consideration.

The first step is to find as many as possible of the loopholes. There should be an exhaustive study of the Constitution itself, what it omits as well as what it contains, and of the history of the Supreme Court and of efforts to interfere with its independence, and of the origin and development of the doctrine of judicial review from its germ in Coke, down through its growth in seventeenth century England and eighteenth century colonial America. The judicial structures of the several states and of foreign

constitutional governments should be scrutinized. For example, it would be helpful to examine the methods that have been used in certain Latin-American republics to reduce judiciaries independent on paper to subserviency to dictatorships, and the processes by which Japan achieved facism, with relatively little violation of the letter of its written constitution.

As a preliminary and tentative chart for the framing of such a constitutional amendment, the following suggestions might be considered:

I

The Justices

Number. Should be fixed to prevent packing. Nine seems to be a satisfactory number, inasmuch as it gives as large an opportunity for diversity of viewpoint (geographical, political and economic) as is consistent with effective performance of duty (see Chief Justice Hughes' letter to the Senate Judiciary Committee in 1937). The fact that nine is the present number is naturally an important consideration.

Exclusion from the Political Arena. Members of the Court should be rendered ineligible to become president or vice-president of the United States, either by direct election of the electoral college or by succession from the cabinet, and possibly to fill certain other public offices.

Removal. The present system of impeachment and trial should be modified so as to prevent a political removal such as almost succeeded in the case of Justice Chase. (At the same time, removal in cases of mental or physical incapacity should be rendered simpler.)

Appointment. If feasible, it would be of paramount importance to devise a method of appointment that would vest this power elsewhere than in the executive and legislative branches, but the only practical alternative would be popular election, and experience in the states has proved that such a method produces

an inferior bench, so no suggestion is made for any change in the method of appointment.

Terms of Office. If vacancies do not occur at such times as will provide at least two appointments during each presidential term, that number should be created by the required retirement (with full retirement compensation and status) of the justice or justices senior in length of service upon the Supreme Court bench, in accordance with a formula calculated to accomplish this end. This assurance of at least two appointments by each administration (i.e., each president or successor during a single term) will have several advantages, including (1) reasonably prompt representation upon the bench of any new political philosophy accepted at the polls, (2) consequent removal of pressure to force such representation, (3) constant infusion of new blood without the undue sacrifice of experience that would be entailed in a regular rotation system, and (4) diminution of likelihood of a "hump" resulting in a sudden change of the majority at or near one time.

II

Functions

Judicial Power. The term "judicial power" as used in the Constitution should be defined in the proposed amendment in accordance with the construction that has been given to that term by the Supreme Court in its decisions. This would forestall any effort to narrow the jurisdiction of the Court by making a statutory definition of "judicial power."

Appellate Jurisdiction. The proposed amendment should prohibit Congress from diminishing the power of the Court to hear and decide appeals in cases involving constitutional questions, except to such extent as the Court itself, in the exercise of its own discretion, may deem advisable. In other words, the appellate jurisdiction of the Supreme Court in constitutional cases should be frozen in its present form, subject to being melted away only

by constitutional amendment or by the Court in prescribing rules for the handling of its own business.

Judicial Review. The duty of the Supreme Court to refuse to give judicial effect to an executive or legislative act that contravenes the Constitution should be confirmed so as to settle that question once and for all.

III

Administration

Financial Independence. The Constitution foresaw the necessity of preventing Congress from diminishing the salary of justices in office. The Court should be given complete financial independence, however, by having control of its own budget and being able to draw directly upon the treasury of the United States. If only for reasons of expediency in procuring the adoption of the amendment, it probably will be necessary to fix a maximum, and in view of currency fluctuations it probably will be necessary to fix this by a ratio with some other governmental outlay. The amendment should reserve to Congress the right to increase the Court appropriation above such maximum. This question of financial independence was considered by a committee of this Association during the crisis of 1937 but seems to have been forgotten.

Place of Sessions. The Court should have absolute control over the place of its own sessions. At present there is nothing in the Constitution to prevent Congress with presidential approval or over the presidential veto, from providing that the Supreme Court should meet on the summit of Pike's Peak. A whimsical president with a perverted sense of humor might suggest that Congress, in order to give the Supreme Court broad perspective, should locate its court room at the top of the Washington Monument, and, for reasons of economy, should discontinue the operation of the elevator.

Time of Sessions. The Court should have absolute control over

the time of its own sessions. This would prevent a repetition of what was done by the newly-elected Jeffersonian Congress that took office in December 1801 when, fearful lest the Supreme Court should adjudge invalid the repeal by that Congress of the Federal Circuit Court Act of 1801, passed by the preceding Congress, it juggled the terms of the Supreme Court in such a way that an adjournment was forced for fourteen months, from December 1801 to February 1803.

General Methods of Administration. The Court should have absolute control of its own procedure from beginning to end. For instance, there should be no question about Congress having any power to say how many justices must vote in favor of a decision in order to make it the decision of the Court. In fact, the Court should not be obliged to announce its own vote unless it wishes to do so. The Court should be empowered to enjoin secrecy of discussion and vote upon its own members, a question that never yet has arisen but that conceivably might arise if a hostile president and senate placed upon that bench a member who would attempt to wreck the institution from within.

This outline is, of course, merely suggestive. The important thing now is to start the ball rolling and, so far as possible, to keep its movement non-partisan. It would seem appropriate for the bar in general and for this Association in particular to take the lead in such an effort.

The Library

SIDNEY B. HILL, *Librarian*

FORREST S. DRUMMOND, APPOINTED ASSISTANT LIBRARIAN

Forrest S. Drummond was appointed Assistant Librarian of the Association to succeed Carroll C. Moreland and assumed his duties on July 15, 1946.

Mr. Drummond received a Ph.B. degree and a J.D. degree from the University of Chicago and also attended the School of Library Science at that university. He was admitted to the Illinois bar in 1934 and practiced law in Chicago. In July 1937 he was appointed Law Librarian and Assistant Professor of Law at the University of Chicago, which position he held until coming to the Association. During his tenure at the university he reorganized their law library, re-cataloged the entire collection and established a complete dictionary law catalog.

In June 1942 Mr. Drummond entered the United States Navy and served as Communications Officer aboard the *U.S.S. Texas* until the Japs surrendered in August 1945. By the time of his separation from the Navy in October 1945 he had attained the rank of Lieutenant Commander. During the time he was with the *Texas*, the ship participated in battle operations in both the Atlantic and Pacific theaters; the invasion of Normandy, the bombardment of Cherbourg, the invasion of Southern France, the invasion of Iwo Jima, the invasion of Okinawa and the liberation of the Philippines.

The Library Committee feels that the Association is fortunate in obtaining the services of Mr. Drummond who is so well qualified to fill the position and hopes that the members of the Association will have early opportunity of meeting him.

SELECTED LIST OF RECENT WORKS ON TAXATION

In view of the increasing importance and complexity of the law of taxation today and because tax problems are constantly

arising in general practice it is believed that a list of currently used materials on taxation will be of assistance. This list does not contain everything in the field but rather recent works and standard works which are kept up to date and are useful today.

*Alexander Federal Tax Handbook. 1947 Ed. New York, Alexander Publishing Co. 1947.

*Altman, George T. Allocation of Income in State Taxation. Chicago, Commerce Clearing House. 1946.

Annual Survey of American Law. Section on Taxation. New York University School of Law. Current volume.

Ash, Robert. How to Prepare a Tax Brief. New York, Prentice-Hall. 6th Ed. 1946. 38p.

Association of the Bar of the City of New York. Taxation, Committee on Proposed Amendments to the Federal Income, Estate and Gift Tax Laws. New York, 1946. 51p.

*Barton, Walter. Federal Income, Estate and Gift Tax Laws Correlated. 9th Ed. Chicago, Callaghan & Co. 1944. (With 1946 supplement.)

Bickford, Hugh C. Excess Profits Tax Relief; an Interpretation of Section 722 of the Internal Revenue Code. Revised Ed. New York, Prentice-Hall, Inc. 1945. 665p.

Blakey, Roy G. & Gladys C. Sales Taxes and Other Excises. Chicago, Public Administration Service, 1945. 216p.

*Butters, J. Keith & Lintner, John. Effect of Federal Taxes on Growing Enterprises. Boston, Harvard Graduate School of Business Administration, 1945. 226p.

Commerce Clearing House. Procedure and Practice Before Tax Court of the United States. 9th Ed. 1945. 246p.

*Committee on International Economic Policy. International Double Taxation. By Paul Deperon. Carnegie Endowment for International Peace. 1945.

*Committee on Postwar Tax Policy. Fairchild, F. R. & others. Tax Program for a Solvent America. New York, Ronald Press, 1945. 278p.

Current Problems in Federal Taxation. American Bar Association Section of Taxation. Practising Law Institute, 1946.

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